

IT IS ORDERED

Date Entered on Docket: January 14, 2021



The Honorable David T. Thuma
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO**

In Re:

Matthew P. Lemelin aka Matt Lemelin, and Xuan
Yu aka Christina Yu,

Debtors.

Case No. 20-11202-t7

Chapter: 7

**STIPULATED ORDER ALLOWING LOSS MITIGATION NEGOTIATIONS IN
ORDER TO RESOLVE MOTION FOR RELIEF FROM AUTOMATIC STAY**

THIS MATTER came before the Court on the Motion for Relief from Stay filed by BOKF NA DBA Bank of Albuquerque, and its successors and or assigns ("Creditor") filed on December 1, 2020 (Docket No.: 18) on the Debtors' real property described as 2424 Vista Grande Drive NW, Albuquerque, NM 87120 (the "Property"). Creditor, by its counsel,

Matthew P. Lemelin aka Matt Lemelin, and Xuan Yu aka Christina Yu (“Debtors”), by and through their attorney, Christopher L Trammell (the “Parties”), agree and stipulate as follows:

IT IS THEREFORE AGREED that the automatic stay of §362 of the U.S. Bankruptcy Code, presently in effect in this case be, and hereby is, continued with full force and effect with respect to, all rights of Creditor with respect to the subject Property, except as provided below:

1. Debtors are currently on the Trial Period Plan Modification Agreement with Creditor. The Debtors’ Trial Period Payment being scheduled from January 1, 2021 to March 1, 2021. Creditor may contact the Debtors via telephone or written correspondence in negotiation of a modification of the relevant mortgage.
2. In the event a permanent modification is entered into between Debtors and Creditor, Debtors shall be allowed to pay the regular mortgage payments directly to Creditor.
3. In the event Debtors fail to successfully complete the trial modification, or, if a permanent modification is not entered or denied between Debtors and Creditor, then the creditor may proceed with prosecuting its Motion for Relief from Stay without any further notice or hearing.
4. In the event that the automatic stay of 11 U.S.C. §362 is terminated under the provisions of this Order, Creditor, and/or its successors and assigns, at its option, is free to exercise any rights it may have to enforce its security interest in the Property pursuant to applicable non-bankruptcy law and shall be allowed to take any and all steps necessary to exercise any and all rights it may have in the Property.

END OF ORDER

Submitted by:

WEINSTEIN & RILEY, P.S.

/s/ Elizabeth V. Friedenstein

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Approved:

/s/ Christopher L. Trammell

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